

Remarks

Claims 21-38, 40-46, 48-54, 56, 57 and 63 are currently pending in this application.

Obviousness rejections over Muller are Overcome

Claims 21-38, 40-46, 56, 57 and 63 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Muller et al. in view of U.S. Patent No. 5,739,152 to Andersson et al. There are no claim rejections applied to claims 48-54. Applicants again request clarification whether claims 48-54 are rejected or whether these claims contain allowable subject matter.

The specified materials of the instant claims include a water insoluble active substance with a specified mean particle size, a phospholipid surface modifier present in a specified amount, a specified ratio of active substance to phospholipid surface modifier, and specifically exclude the use of any surfactants that require cloud point modifying molecules for protection against coagulation during the autoclave process. Such compositions that contain only phospholipid stabilizers and no other surfactant can be difficult to autoclave. Although Muller discusses formulation stability after autoclaving, Muller's teaching does not contemplate that there might be particular problems autoclaving phospholipid only-stabilized formulations. In Example 10, Muller examines stabilization following autoclaving, yet in this example TWEEN 80 is present in the formulation. At column 7, line 21, Muller addresses the stability of formulations to the autoclaving process, but fails to draw any distinction between phospholipid (only)-containing formulations and formulations containing other surfactants. In fact, the paragraphs that follow suggest that lecithin containing formulations are rendered stable merely by choosing an appropriate concentration of that stabilizer. Accordingly, the Muller disclosure does not render obvious applicant's claims, which are directed to autoclavable compositions that contain only phospholipid stabilizers and no other surfactant.

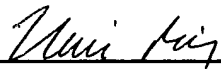
The Andersson disclosure does not cure the deficiencies in Muller. Accordingly, the combination of Andersson with Muller also does not render obvious the presently amended claims. Applicants submit that the claims are now allowable.

CONCLUSION

Applicants respectfully submit that the present application is now in condition for allowance. Should any additional fees be required, the Commissioner is hereby authorized to charge any such additional fee(s), or to credit any overpayment, to Deposit Account No. **50-0311**; Reference No. **28069-503**.

Respectfully submitted,

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